REMARKS

The Response to Applicant's Amendment and Notice of Non-compliant Amendment mailed April 6, 2005 (hereinafter the Notice) and the non-final Office Action mailed July 7, 2004 (hereinafter the Action), have been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-23 are currently pending, but stand rejected. Claims 1, 3, 20, and 21 have been amended in order to correct clerical errors. New claims 24-27 have been added.

New claims 24-27

The Notice objects to Applicant's Amendment of November 12, 2004 for lacking arguments pointing out the allowability of claims 24-27 over the applied reference, U.S. Patent No. 6,615,166 to Guheen et al. (*Guheen*).

Claim 24 recites,

A software system for organizing and monitoring information relating to a plurality of financial securities chosen by a user, and for graphically presenting the information on a video display screen comprising:
   a header region displaying a plurality of tabs identifying the financial securities, the tabs being individually selectable by the user;
   a first one of the tabs being currently selected by the user, the first one of the tabs being associated with a first one of the financial securities;
   a second one of the tabs not being currently selected by the user, the second one of the tabs being associated with a second one of the financial securities; and
   a security information region displaying financial information related to trading activities of the first one of the financial securities;
   wherein if the second one of the tabs is selected by the user, the security information region displays financial information related to trading activities of the second one of the financial securities.

The Response asserts that *Guheen* provides a header display in Figs. 1A to L-1 and Fig. 1L-C. Applicant respectfully disagrees.

As discussed further below, *Guheen* teaches "header files" used in software source code, not a header display region as recited in claim 24. Further, *Guheen* fails to teach or suggest "a security information region displaying financial information related to trading activities of the first one of the financial securities" as recited in independent claim 24.

In addition, *Guheen* clearly fails to teach or suggest a header region displaying "a plurality of tabs identifying [] financial securities" as recited in claim 24. In addition to failing to

8

teach or suggest the recited tabs or the recited security region, *Guheen* fails to teach or suggest that "if the second one of the tabs is selected by the user, the security information region displays financial information related to trading activities of the second one of the financial securities."

For at least these reasons, new independent claim 24 is allowable over *Guheen*, as well as claims 25-27 depending therefrom.

Rejections under 35 U.S.C. § 103(a)

Claims 1-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 6,615,166 to Guheen, et al (hereinafter *Guheen*). Applicant respectfully traverses these rejections.

Guheen does not teach or suggest all the limitations of claims 1-23. To establish *prima facie* obviousness, all the claim limitations must be taught or suggested by the references. MPEP § 2143.03. *Guheen* relates generally to conveying information regarding a web architecture framework (Col. 1, lines 7-8) and more particularly teaches a data processing system for implementing complex trading rules in support of select transactions (Col. 206, lines 7-9).

Guheen teaches "header files" used in software source code, not a header display region.

With regard to independent claim 1, the Action alleges that *Guheen* teaches a header display region for displaying a header ... which a user desires to monitor financial information pertaining thereto. The Action sites to the following portion of *Guheen* at Col. 83, lines 64-67:

> Configuration Management tools are needed once the system becomes large and
> many modules (which may include programs, header files, copybooks, shared
> components, subroutines, and so on) have to be managed.

While this portion of *Guheen* does disclose "header files," this in no way teaches a header display region for displaying a header nor "a header corresponding to at least one user defined company which a user desires to monitor financial information pertaining thereto." Rather, the "header files" referred to in *Guheen* relate to source code files used in software development and in the management and testing of software code (Col. 83, lines 4-16). The management of such header files, being wholly unrelated to the subject matter of the present application, does not begin to teach or suggest the header display region corresponding to at least one user defined

9

company as recited in claim 1. Similarly, *Guheen* does not teach or suggest the header display regions of claims 12 and 21 corresponding to a plurality of user defined companies.

With further regard to independent claim 1, the Action alleges that although *Guheen* does not teach or suggest a header corresponding to at least one user defined company, "official notice is taken that this feature is old and well known in the finance art. It would have been obvious to one of skill in the art at the time of applicant's invention to implement this feature for the advantage of tracking one's own stock or a competitor's stock." Applicant submits that such an assertion is factually unsupported, and Applicant respectfully challenges its validity. It is inappropriate to rely solely on "common knowledge" in the art without evidentiary support in the record. MPEP § 2144.03. Applicant asserts that combining the feature of "at least one user defined company" with a header display region for displaying a header, was not well known in the art at the time of Applicant's invention. If the Patent Office maintains this position, Applicant respectfully requests that it provide prior art in support thereof.

Guheen does not teach an auction participant region or easily viewable graphical format.

The Action further alleges that *Guheen* suggests or teaches additional features from claim 1, particularly:

> an auction participant region for displaying said financial information in real time in an easily viewable graphical format, said financial information relating to trading activities concerning said one user defined company by a plurality of user designated auction participants.

The Action cites two sections of *Guheen* to find the features claimed above, the first of which provides a history of open outcry auctions and the trading of treasury securities (Col. 204, lines 6-60), and the second of which describes a brokering system arbitrating bids and offers of securities (Col. 207, lines 2-59). Applicant respectfully submits that *Guheen* neither teaches nor suggests the features claimed above. For example, nowhere within *Guheen* is there a suggestion of displaying financial information in real time in an easily viewable graphical format. Further, *Guheen* does not teach or suggest a plurality of 'user designated auction participants.'

Rejections based on Official Notice

With regard to claim 3, the Action admits that *Guheen* does not disclose the features of the claim. However, the Action asserts that it would have been obvious to one of ordinary skill

10

in the finance art at the time of Applicant's invention to implement all of the features of claim 3. Claim 3 provides in part:

> said auction participant region includes an inside market line designation for denoting a midpoint between a highest one of said bid prices and a lowest one of said ask prices for said auction participants defined by said user.

The Action takes official notice that these features of dependent claim 3 are old and well known. Applicant notes that this assertion is unsupported by documentation, and Applicant respectfully challenges its validity. Applicant submits that the subject matter set forth in dependent claim 3 were not well known in the art at the time of Applicant's invention.

With regard to claim 8, the Action admits that *Guheen* does not teach the features of the claim. However, the Action asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement all of the features of claim 8. Claim 8 provides in part:

> an historical trading playback function and a user operated control panel for enabling a user to replay on the video display screen previously stored portions of auction participant activity which has occurred over a user defined time period, concerning a financial instrument of the user selected company

The Action takes official notice that these features are old and well known in the electronics art and would have been obvious at the time of invention. Applicant notes that this assertion is unsupported by documentation, and Applicant respectfully challenges the assertion. Applicant asserts that the subject matter set forth in claim 8 was not well known in the art at the time of Applicant's invention and would not have been obvious.

With regard to claim 9, the Action admits that *Guheen* does not teach the features of the claim. However, the Action asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement all of the features of claim 9. Claim 9 provides in part: the user can fast forward said previously stored portions of said financial information on said video display screen via said control panel. The Action takes official notice that these features are old and well known in the electronics art. Applicant notes that this assertion is unsupported by documentation, and Applicant respectfully challenges the assertion. Applicant asserts that the subject matter set forth in claim 9 was not well known in the art at the time of Applicant's invention and would not have been obvious.

11

With regard to claim 11, the Action admits that *Guheen* does not disclose the feature of sorting market activity. However, the Action asserts that it would have been obvious to one of ordinary skill in the financial analysis art at the time of Applicant's invention to implement this feature. The Action takes official notice that this feature is old and well known. Applicant notes that this assertion is unsupported by documentation, and Applicant respectfully challenges the assertion. Applicant submits that the subject matter of sorting market activity was not well known in the art at the time of Applicant's invention and would not have been obvious.

With further regard to independent claim 12, Applicant respectfully challenges the official notice taken of the features similar to those of claim 8 therein described but not disclosed by *Guheen*. Applicant asserts that the subject matter set forth in independent claim 12 was not well known and would not have been obvious at the time of Applicant's invention.

With regard to claim 17, the Action admits that *Guheen* does not teach the features described therein. However, the Action takes official notice of these features, stating that they would have been obvious to one of ordinary skill in the art at the time of Applicant's invention. Dependent claim 17 provides in part:

> said auction participant region includes indicator cells assigned to each said auction participant which change color to denote trends in trading activities of each of said auction participants.

Applicant respectfully challenges the taking of official notice of the features claimed, citing the lack of documentation. Applicant asserts that the subject matter of claim 17 was not well known and would not have been obvious at the time of Applicant's invention.

With regard to claim 20, the Action admits that *Guheen* does not teach the features described therein. However, the Action takes official notice of these features, stating that they would have been obvious to one of ordinary skill in the art at the time of Applicant's invention. Dependent claim 20 provides in part: a technical studies overlay display region for displaying market analysis graphs concerning the user selected financial instrument. Applicant asserts that the subject matter set forth in claim 20 was not well known and would not have been obvious at the time of Applicant's invention.

With further regard to independent claim 21, the Action admits that *Guheen* does not teach the feature(s) of a sort control for allowing said user to sort said auction participants on said video display screen in accordance with a plurality of user defined criteria. However, the Action asserts that it would have been obvious to one of ordinary skill in the software art at the

12

time of Applicant's invention to implement this feature(s). The Action takes official notice that this feature(s) is old and well known. Applicant submits that the subject matter of claim 21, including a sort control for allowing a user to sort auction participants on a video display screen in accordance with a plurality of user defined criteria, was not well known in the art at the time of Applicant's invention and would not have been obvious.

With respect to the Action's use of official notice, Applicant respectfully quotes section 2144.04(E) of the Manual of Patent Examining Procedure:

> Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner's conclusion should be judiciously applied. Furthermore ... any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner ... It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

If the Patent Office maintains the official notice positions, Applicant respectfully requests that it provide prior art in support thereof.

With regard to the claims not directly addressed above, Applicant notes that these claims depend from independent claims 1, 12, and 21 and that they are therefore allowable for at least the same reasons as the independent claims.

13

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Reply to Notice of Non-compliant Amendment of April 6, 2005

CONCLUSION

Applicant submits that the rejections set forth in the Action have been traversed and that the application is in proper condition for allowance. Should the Examiner believe that further discussion and/or amendment would be helpful, the Examiner is respectfully invited to telephone Applicant's undersigned representative at the number listed below. Applicant hereby petitions for any extensions of time which may be required, except for payment of the issue fee. The Commissioner is hereby authorized to charge to deposit account number 19-0733 any fees necessary to maintain the pendency of the present application.
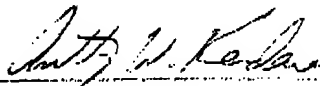
Respectfully submitted,

BANNER & WITCOFF, LTD

Dated: August 8, 2005   By: _____

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14